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favorably influenced by varied testifying, and by being frequently cross-examined.

II. Memorial accuracy unfavorably influenced by linguistic factors, such as the subject's paucity of ideas, the incompatibility between the subject's and the examiner's terminology and understanding of common words and terms. In such cases the liability of succumbing to questions which act as suggestions is greatly increased. One who is over-talkative is inclined to sidetrack the main details, warp the occurrence, and be easy prey for questions of a suggestive type.

(C) *Truth*: After finding that the above-mentioned dangers had been avoided the content of the testimony must then be examined. This is an objective matter. In the first place, the actual facts of the occurrence, all possible evidence must be at hand. Controls and checks on both the physical and psychical aspects of the event must be made.

In concluding, von Kärman wishes to make himself clear regarding such evidence, the value and importance of which may appear exaggerated in his paper. We are requested, for example, to consider a case of assault and battery. "The witness maintains that he saw the defendant strike the plaintiff on the head. This statement is verified by actual evidence on the scalp and skull of the plaintiff. Now, all we dare say is just this: The chances that the witness actually saw the blow delivered are great, but it cannot be accepted by the court as an absolute certainty." (Translation liberal).

Although many excellent suggestions are made, one cannot help gaining the impression that the author has greatly labored his article with an ill-fitting classification. The article could be extended and expanded to great advantage, and with more of psychological and psychopathological detail it would make a truly valuable contribution to the literature.

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SULL OMICIDIO IN ITALIA DAL 1881 AL 1911. (HOMICIDE IN ITALY FROM 1881 TO 1911). By *Alfredo Spallanzani*. *Rivista Penale*, January-February, 1916, pp. 162-197.

This is a very careful and critical study of judicial statistics of crime. It is valuable not only as a summary of the movement of homicide in Italy for the past thirty years, but also as a critique of statistical methodology. The author admits the discrepancies between published figures and the real subjective phases of crime, but contends that on the whole objective statistics of homicide may be taken as an approximation to truth. The larger part of his article, however, is devoted to pointing out these discrepancies. For example, if you compare the accusations for homicide with convictions and sentences during the quinquennium 1896-1900 the official figures show that 22.93 per cent (an average of about 857 cases per year) of charges did not result in conviction; that is, apparent exceeded legal homicide by about one quarter. But of the total reputed homicides, 5.35% were declared not to be such at all or involved no crime; 17.58% (or some 657 per year) were

at some stage of the proceedings changed in name, that is, graded either up or down the scale of gravity. Hence, as might be expected, the inference that the Ministry of Justice seldom errs in asserting that a real crime has been committed, but fails frequently to designate that crime properly. Under the general heading "homicide" fall a diversity of offenses, including murder, accidental homicide and attempts. The following tables illustrate certain defects in the statistics of the Ministry which render them almost worthless for exact comparisons.

(II)				(I)			
YEARLY AVERAGE OF CON-				YEARLY AVERAGE OF ACCU-			
VICTIONS, 1896-1900.				SATIONS, 1890-95.			
	Total.	Per Cent.			Total.	Per Cent.	
Murder . . . . .	1,699	58.99		Murder . . . . .	1,907	47.46	
Accid'l homicide..	463	16.08		Accid'l homicide..	230	5.73	
Attempt, etc. ....	718	24.93		Attempt, etc. ....	1,881	46.81	
	<u>2,880</u>	<u>100</u>			<u>4,018</u>	<u>100</u>	

(III)  
HYPOTHETICAL DISTRIBUTION OF CASES COMPARED WITH  
ACTUAL CONVICTIONS, 1896-1900.

	Total.	Per Cent.	Total Convictions.
Murder . . . . .	1,744	47.46	1,699
Accidental Homicide . . . . .	214	5.73	463
Attempt . . . . .	749	46.81	718
	<u>3,737</u>	<u>100</u>	<u>2,880</u>

Tables I. and II. show clearly that for murder the legal varies but slightly from the apparent rate; for accidental homicide the legal rate is much higher than the apparent, while for attempts the apparent nearly doubles the legal rate. Table III. is derived by applying to the total average annual rate of homicide for the years 1896-1900 the percentage distribution of types as worked out for the preceding quinquennium, and by comparing these derived figures with the actual recorded convictions for the same period. These figures show some discrepancy between accusations and convictions for murder (4.23%); but an immoderate gap between accusations and convictions for accidental homicide (116.35%) and for attempts (58.95%).

Such gaps may be accounted for in terms of medical uncertainty as to real cause of death or in terms of legal definition of crime; but however they are accounted for they are manifestly so large as to render statistics of information or indictment an unsafe measure of the real movement of criminality.

Moreover, gross discrepancies occur between the returns from the Ministry of Justice, the police and the examining magistrates. For example, taking the figures of 1906 as a base of 100, the figures for homicide in 1911 in northern Italy dropped to 94 according to the Ministry, to 79 according to the examining magistrates; in Sicily the one reported an increase to 113, the other to 115; in Sardinia a drop

to 73 as against a rise to 105; in southern Italy a drop to 95 as against a rise to 134.

Hence the author discards the statistics of informations and indictments and turns to these of court decisions. But unfortunately they are incomplete, and, because they do not synchronize with the commission of crimes, do not offer a very sensitive measures of the crime rate. By a process of elimination, therefore, the writer finds his only really usable data in the reports of examining magistrates. The discrepancy between them and the decisions of the courts is comparatively slight, and their closeness in point of time to the actual commission of the offense confers upon them real value as registers of the seasonal movement of criminality.

Using these figures in comparison with those derived from other sources the author concludes, and his conclusion seems altogether justifiable, that in the last thirty years homicide has declined notably, both relatively and absolutely in Italy. With only one exception or apparent exception, the rate declined steadily from 1881 to 1911. That exception occurred during the years 1908-10 and was particularly marked in southern Italy. No clear explanation of the phenomenon is offered. The procurators, while they noted the apparent increase in violence, gave no precise reasons for it. The only exception was the procurator general of Trani, who in his statement for 1909, suggested that the increase in his district was due to the economic crisis of that year, which resulted in turn from the extraordinary drought of 1908, the scarcity of capital, diminution of agricultural employment, and the rancors and frictions of a political campaign. But here as elsewhere popular sentiment seems to have exerted pressure upon the agents of justice to make a showing of activity perhaps quite out of proportion to the real state of criminality; for the actual convictions by no means reveal a correspondingly large increase. At any rate they do not affect noticeably the general tendency of the homicidal impulse to decline.

The following table shows this decline, based upon the returns from examining magistrates.

## (IV)

Years.	Actual Number	Relative Number	Per Cent of Every 100 Crimes Recognized by the Code	No. of Homicides Per 100,000 Population Over Nine Years
1881-3 .....	4,568	100	2.33	20.26
1884-6 .....	4,209	92	2.19	....
1887-9 .....	3,976	87	1.91	....
1890 .....	3,102	..	...	....
1891-3 .....	3,487	76	1.43	14.55
1894-6 .....	3,380	74	1.30	....
1897-9 .....	3,225	71	1.18	....
1900-2 .....	2,757	60	0.88	10.86
1903-5 .....	2,706	59	0.84	....
1906-8 .....	2,545	56	0.81	....
1909-11 .....	2,520	55	0.69	9.23

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